

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

☐ Amended

IN THE MATTER OF

**Petition for
Review and Modification or
Termination of Guardianship**

Case No. _____

Date of Birth _____

UNDER OATH, I STATE THAT:

1. I am: ☐ the ward who is 18 years of age or older.
☐ a person acting on the ward's behalf: _____
☐ the ward's ☐ guardian of **person**. ☐ guardian of **estate**.
2. This is a petition:
 - ☐ for review of incompetency and termination of guardianship.
 - ☐ to have the guardian discharged and a new guardian appointed.
 - ☐ to have the guardianship limited and specific rights restored.
 - ☐ to terminate guardianship of **person**.
 - ☐ to terminate guardianship of **estate**.
 - ☐ to dispense with depleted guardianship of **estate**.

☐ **PETITION FOR REVIEW OF INCOMPETENCY AND TERMINATION OF GUARDIANSHIP**
 (Complete #3 through #7):

3. This is a petition for review of incompetency and termination of guardianship.
4. This petition is filed more than **180 days after any previous hearing** on the petition for guardianship or petition for receipt and acceptance of a foreign guardianship, or there are exigent circumstances, including presentation of new evidence, that require a review at any time: (specify circumstances) _____
5. At a hearing held on (date) _____, the ward was determined to be incompetent and in need of a guardian:
 - ☐ in Wisconsin: (county) _____
 - ☐ out-of-state: (state where determined:) _____ (certified copy of order is attached).
6. I believe that the ward is competent and is able to effectively receive and evaluate information, make and communicate decisions:
 - ☐ to meet the essential requirements for his or her physical health and safety, without a guardian of person.
 - ☐ related to management of his or her property or financial affairs and that the ward's property will not be dissipated in whole or in part, the ward is able to provide for his or her support, and that the ward is able to prevent financial exploitation, without a guardian of estate.
 The specific factual basis for my belief is as follows: _____
7. A report of examination of ward by a physician or psychologist is being filed or will be filed.

☐ **PETITION TO DISCHARGE GUARDIAN AND APPOINT SUCCESSOR GUARDIAN (Complete #8 through #12)**

8. This petition is filed more than **180 days after any previous hearing** on the petition for guardianship or petition for receipt and acceptance of a foreign guardianship, or there are exigent circumstances, including presentation of new evidence, that require a review at any time: (specify circumstances) _____

9. A guardian of person and/or guardian of estate was appointed for the ward:

- ☐ in Wisconsin: (Name) _____
- ☐ out-of-state: (Name and state where appointed) _____

(certified copy of order must be attached).

10. The following guardian is requested to be discharged and a successor guardian appointed:

- ☐ guardian of person: (name) _____
- ☐ guardian of estate: (name) _____

11. The following person is nominated as successor guardian:

Type of Guardian		Name and Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

12. A sworn and notarized statement of acts to qualify for appointment as guardian is being filed or will be filed.☐ **PETITION TO LIMIT AUTHORITY OF GUARDIAN AND RESTORE SPECIFIC RIGHTS (Complete #13 thru 15)****13. This petition is filed more than 180 days after any previous hearing** on the petition for guardianship or petition for receipt and acceptance of a foreign guardianship, or there are exigent circumstances, including presentation of new evidence, that require a review at any time: (specify circumstances) _____☐ **14. GUARDIAN OF THE PERSON****I REQUEST THE COURT** limit the guardianship of the person and restore specific rights to the ward as follows:**A. Rights to be restored in full.** These rights were previously removed from the ward and should be restored to the ward. Due to the prior removal, no one is able to exercise the right.

- ☐ 1. Right to execute a will.
- ☐ 2. Right to serve on a jury.
- ☐ 3. Right to register to vote or to vote in an election.

B. Rights to be restored or exercised by individual with consent of Guardian of Person. These rights were previously removed from the ward or limited so that the ward could only exercise the right with the guardian of the person's consent. If previously removed, no one is able to exercise the right. Ward now has the capacity to exercise the right or the increased capacity to exercise the right with the consent of the guardian of the person and I request restoration of the right as follows:☐ a. Right to consent to marriage:**Choose (1) or (2):**

- ☐ (1) declare the individual has capacity to exercise this right and restore in full.
- ☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.

☐ b. Right to apply for an operator's license, a hunting, fishing or other license issued under ch. 29, or a credential as defined in §440.01(2), Wisconsin Statutes: _____**Choose (1) or (2):**

- ☐ (1) declare the individual has capacity to exercise this right and restore in full.
- ☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.

☐ c. Right to consent to sterilization:**Choose (1) or (2):**

- ☐ (1) declare the individual has capacity to exercise this right and restore in full.
- ☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.

☐ d. Right to consent to organ, tissue, or bone marrow donation:**Choose (1) or (2):**

- ☐ (1) declare the individual has capacity to exercise this right and restore in full.
- ☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.

C. Powers to be returned to the Ward in part or in full.

I request that the following powers, which were previously transferred to the guardian, be returned to the ward as follows:

If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the individual retains the power.

- ☐ ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the ward's best interest, if the guardian has first made a good-faith attempt to discuss with the ward the voluntary receipt of the examination, medication, or treatment and if the ward does not protest.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the ward's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the ward's best interest.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ b. The power to authorize individual's participation in an accredited or certified research project if the research project might help the individual, or others if minimal risk of harm.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ c. The power to authorize individual's participation in research that might not help the individual but might help others if greater than minimal risk of harm to the individual but evidence indicates individual would have elected to participate.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ d. The power to consent to experimental treatment in the individual's best interests.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ e. The power to give informed consent to receipt by individual of social and supported living services.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ g. The power to make decisions related to mobility and travel.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.

- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- h. [Intentionally omitted to correspond with statute.]
- ☐ i. The power to choose providers of medical, social, and supported living services.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ j. The power to make decisions regarding educational and vocational placement and support services or employment.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ k. The power to make decisions regarding initiating a petition for termination of marriage.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ l. The power to receive all notices on behalf of individual.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ m. The power to act in all proceedings as an advocate of the individual, except the power to enter into a contract that binds the individual or the individual's property or to represent the individual in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ n. The power to apply for protective placement or for commitment.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ o. The power to have custody of the individual, if an adult, and the power to have care, custody, and control of the individual, if a minor.
- Choose (1) or (2):**
- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ p. other specific powers: _____

☐ See attached☐ **15. GUARDIAN OF THE ESTATE**

I request that the court limit the guardianship of the estate and restore specific powers to the ward as follows:

- ☐ a. Power to manage ward's financial affairs.
- ☐ b. Power to manage ward's property.
- ☐ c. Other: _____

☐ **PETITION TO TERMINATE GUARDIANSHIP OF PERSON (Complete #16 and #17)**

16. This is a petition to terminate guardianship of person.

17. There is a basis for terminating guardianship of the person, as follows:

- ☐ A. I believe that the ward formerly found to be incompetent is no longer incompetent.
- ☐ B. The ward found to be incompetent, has married a person who is not subject to a guardianship.

- ☐ C. The ward has changed residence from this state to another state and a guardian has been appointed in the new state of residence.
- ☐ D. The formerly minor ward, attained age 18, unless the guardianship was ordered on the grounds of incompetency.
- ☐ E. The minor ward whose guardianship was not ordered on the grounds of incompetency, has married.
- ☐ F. The ward died.
- ☐ G. A parent of the ward is suitable and willing to act as guardian for the minor and termination of the guardianship is in the best interest of the minor.
- ☐ H. Other: _____

☐ **PETITION TO TERMINATE GUARDIANSHIP OF ESTATE (Complete #18 and #19)**

18. This is a petition to terminate guardianship of estate.

19. There is a basis for terminating guardianship of the estate as follows:

- ☐ A. I believe that the ward formerly found to be incompetent is no longer incompetent.
- ☐ B. The ward has changed residence from this state to another state and a guardian has been appointed in the new state of residence.
- ☐ C. The formerly minor ward attained age 18.
- ☐ D. The minor ward whose guardianship was not ordered on the grounds of incompetency has married.
- ☐ E. The ward died and the estate was not terminated by summary settlement of small estate.

☐ **PETITION TO DISPENSE WITH DEPLETED GUARDIANSHIP OF ESTATE (Complete #20 and #21)**

20. This is a petition to dispense with depleted guardianship of estate.

21. There is a basis for dispensing with the guardian of the estate because the income and assets of ward do not exceed \$50,000 and are reduced to a point where it is to the advantage of the ward to dispense with guardianship of estate in the following manner and for the following reasons: _____

I REQUEST THAT THE COURT:

1. Order a hearing on this petition.
2. Designate persons entitled to notice of hearing and the manner in which notice shall be given.
- ☐ 3. Make a finding and adjudicate the ward to be competent.
- ☐ 4. Discharge the specified guardian and appoint successor guardian nominated.
- ☐ 5. Limit the guardianship and restore specific rights.
- ☐ 6. Terminate guardianship of person.
- ☐ 7. Terminate guardianship of estate.
- ☐ 8. Dispense with depleted guardianship of estate.
- ☐ 9. Award appropriate fees and costs.

Subscribed and sworn to before me

on _____

Notary Public/Court Official

My commission expires: _____

Signature of Petitioner

Name Printed or Typed

Address

Name of Attorney	
Address	
Telephone Number	Bar Number